

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL S. MAPES, MILTON  
PETERSEN IV, BRIAN LEICHNER,  
DAVID MOHR and DAVID STADING,

Plaintiffs,

v.

WELLINGTON CAPITAL GROUP, INC.,

Defendant.

Civil No. 8:07cv77

**DEFENDANT'S MOTION TO SEAL  
SUPPLEMENTAL INDEX OF  
EVIDENCE IN SUPPORT OF ITS  
MOTION TO STAY**

Defendant, Wellington Capital Group, Inc., pursuant to NELR 7.5, hereby moves the Court for an Order to file Defendant's Supplemental Index of Evidence in Support of its Motion to Stay, with Exhibits attached thereto, under seal. In support of the same, Defendant states as follows:

1. Defendant has filed a Motion to Stay Proceedings for the reason that Frank Amodeo, the sole officer and director of Wellington, has been unable to participate in the defense of this matter, and counsel for Defendant have been unable to communicate with Mr. Amodeo, and may not be able to for some time.

2. The facts and circumstances of Mr. Amodeo's inability to participate in Wellington's defense and his inability to communicate with counsel in this matter are detailed in documents contained in Defendant's original Index of Evidence filed with this Court on July 15, 2008 (which Defendant has moved to seal), as well as Defendant's Supplemental Index of Evidence filed with the Court on the date of this filing. Like the documents contained in Defendant's original Index of Evidence filed with this Court on July 15, 2008, the documents contained within Defendant's Supplemental Index of

Evidence are of a highly personal, private, and sensitive nature, and speak for themselves.

3. Due to the highly personal, private, and sensitive nature of the documents, redaction of the documents would not eliminate the need for sealing.

WHEREFORE, Defendant prays that this Court enter an Order sealing Defendant's Supplemental Index of Evidence in Support of its Motion to Stay.

Dated this 21st day of August, 2008.

WELLINGTON CAPITAL GROUP, INC.,  
Defendant

By /s/Elizabeth M. Callaghan  
Michael J. Mooney, #12886  
Robert A. Mooney #21304  
Elizabeth M. Callaghan, #22238  
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402-392-1500  
Attorneys for Defendant

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 21st day of August, 2008, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which sent notification of such filing upon all parties who filed an appearance or motion by electronic filing in this case:

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/s/Elizabeth M. Callaghan